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Michael F. Easley, Governor  
State of North Carolina

William G. Ross, Jr., Secretary  
Department of Environment and Natural Resources

Alan W. Klimek, P.E., Director  
Division of Water Quality

December 6, 2002

Mr. Scott A. Brewer, Director  
Environmental Management Division  
Marine Corps Base - Camp Lejeune  
PSC Box 20004  
Camp Lejeune, North Carolina 28542-0004

Subject: Issuance of NPDES Permit NC0063029  
Camp Lejeune WWTP  
Onslow County

Dear Mr. Brewer:

Division staff have reviewed and approved your renewal application for an NPDES discharge permit. Accordingly, the Division is forwarding the subject NPDES permit. This permit is issued pursuant to the requirements of North Carolina General Statute 143-215.1 and the Memorandum of Agreement between North Carolina and the U.S. Environmental Protection Agency dated May 9, 1994 (or as subsequently amended).

The draft permit listed an erroneous address for submitting your sampling reports. The address for Central Files is: 1617 Mail Service Center, Raleigh, North Carolina 27699-1617. The address for the Aquatic Toxicology Unit and the Ecosystem Unit is: 1621 Mail Service Center, Raleigh, North Carolina 27699-1621.

If any parts, measurement frequencies, or sampling requirements contained in this permit are unacceptable to you, you have the right to an adjudicatory hearing upon written request within thirty (30) days following receipt of this letter. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714. Unless such a demand is made, this permit shall be final and binding.

This permit is not transferable except after notice to the Division. The Division may require modification or revocation and reissuance of the permit. This permit does not affect the legal requirements to obtain other permits which may be required by the Division of Water Quality, the Division of Land Resources, the Coastal Area Management Act, or any other federal or local governmental permit.

If you have any questions concerning this permit, please contact Teresa Rodriguez at telephone number (919) 733-5083, extension 595.

Sincerely,  
**ORIGINAL SIGNED E.**  
**SUSAN A. WILSON**  
Alan W. Klimek, P.E.

cc: Central Files  
Wilmington Regional Office, Water Quality  
Aquatic Toxicology Unit  
NPDES Unit  
U.S. EPA Region IV

**STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WATER QUALITY**

**PERMIT**

TO DISCHARGE WASTEWATER UNDER THE

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provision of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended, the

**United States Marine Corps**

is hereby authorized to discharge treated wastewater from a facility located at the

Camp Lejeune Advanced Wastewater Treatment Plant  
Camp Lejeune  
Onslow County

to receiving waters designated as the New River in the White Oak River Basin in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III and IV hereof.

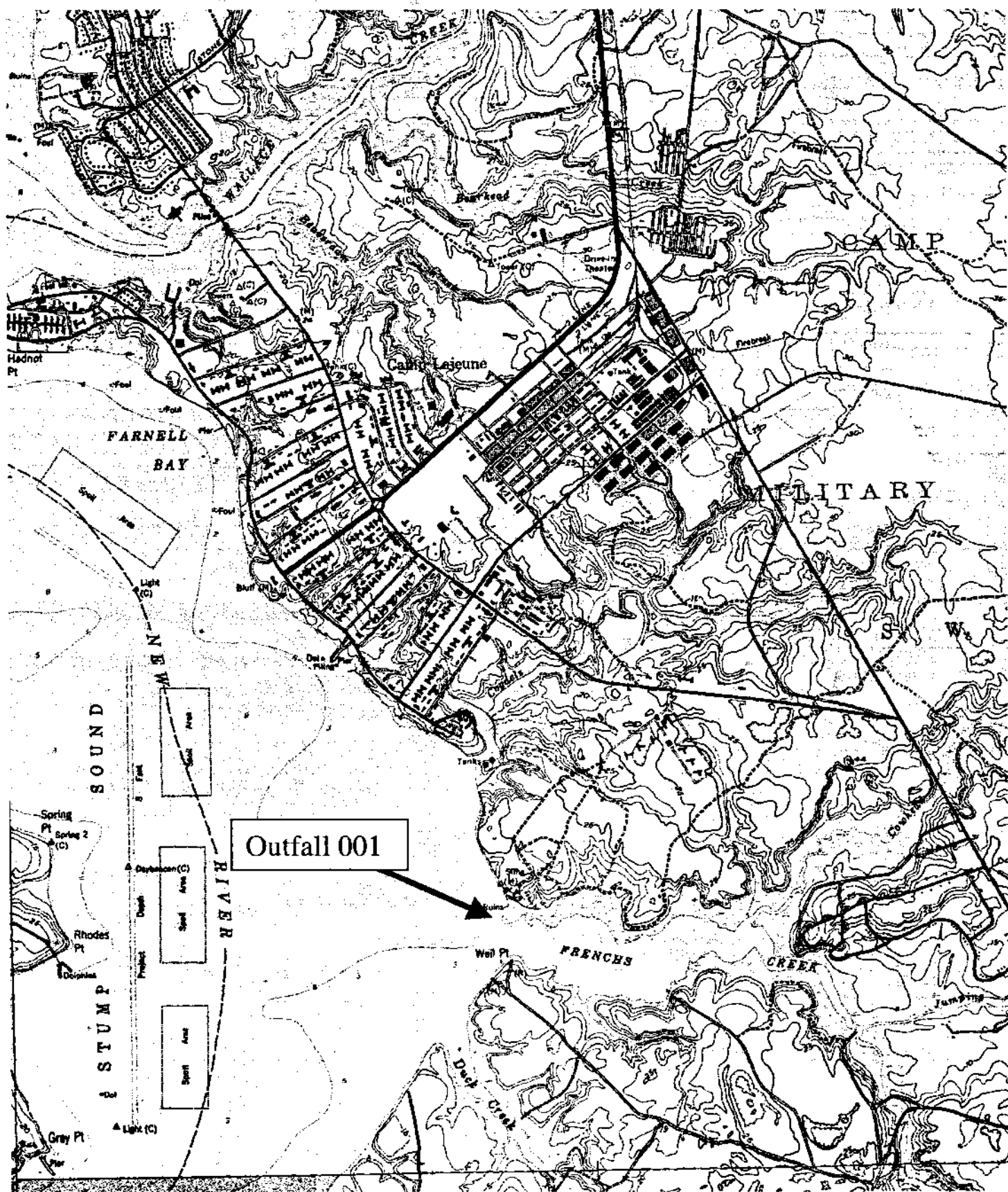
The permit shall become effective January 1, 2003.

This permit and the authorization to discharge shall expire at midnight on June 30, 2007.

Signed this day December 6, 2002.

ORIGINAL SIGNED BY  
SUSAN A. WILSON

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Alan W. Klimek, P.E.  
Director  
Division of Water Quality  
By Authority of the Environmental Management Commission



## Marines Corp Base Camp Lejeune WWTP

**State Grid/Quad:** Camp Lejeune  
I 29 NE  
**Receiving Stream:** New River  
**Stream Class:** SC NSW

**Latitude:** 34° 38' 55" N  
**Longitude:** 77° 20' 30" W  
**Drainage Basin:** White Oak  
**Sub-Basin:** 03-05-02



North

**Facility Location**  
not to scale



**NPDES Permit No. NC0063029**  
Onslow County

**A. (1) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

Beginning on the effective date of this permit and lasting until expiration, the Permittee is authorized to discharge from outfall 001. Such discharges shall be limited and monitored by the Permittee as specified below:

EFFLUENT CHARACTERISTICS	LIMITS			MONITORING REQUIREMENTS		
	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location <sup>1</sup>
Flow	15.0 MGD			Continuous	Recording	Influent or Effluent
BOD, 5-day, 20°C (April 1 – October 31)	5.0 mg/L		7.5 mg/L	Daily	Composite	Effluent
BOD, 5-day, 20°C (November 1 – March 31)	10.0 mg/L		15.0 mg/L	Daily	Composite	Effluent
Total Suspended Solids	30.0 mg/L		45.0 mg/L	Daily	Composite	Effluent
NH <sub>3</sub> -N (April 1 – October 31) <sup>2</sup>	2.0 mg/L			Daily	Composite	Effluent
NH <sub>3</sub> -N (November 1 – March 31) <sup>2</sup>	4.0 mg/L			Daily	Composite	Effluent
Dissolved Oxygen <sup>3</sup>				Daily	Grab	Effluent
pH <sup>4</sup>				Daily	Grab	Effluent
Total Residual Chlorine <sup>5</sup>			18 µg/L	Daily	Grab	Effluent
Temperature °C				Daily	Grab	Effluent
Fecal Coliform (geometric mean)	14/100 ml	28/100 ml		Daily	Grab	Effluent
Total Nitrogen (NO <sub>2</sub> +NO <sub>3</sub> +TKN) <sup>6</sup>	Monitor (mg/L) Monitor (pounds/month)			Weekly Monthly	Composite Calculated	Effluent Effluent
Total Nitrogen (NO <sub>2</sub> +NO <sub>3</sub> +TKN) <sup>6</sup>	251,356 pounds/year			Annually	Calculated	Effluent
Total Phosphorus <sup>7</sup> (April 1 – October 31)	0.5 mg/L			Weekly	Composite	Effluent
Total Phosphorus <sup>7</sup> (November 1 – March 31)	1.0 mg/L			Weekly	Composite	Effluent
Oil and Grease	30.0 mg/L		60.0 mg/L	2/Month	Grab	Effluent
Chronic Toxicity <sup>8</sup>				Quarterly	Composite	Effluent

**Notes:**

1. See A. (2) for instream monitoring requirements.
2. The Division may re-open this permit to require weekly average limits for ammonia. After calculating allowable concentrations, the Division will perform an analysis of past ammonia data to determine if there is a reasonable potential for this discharge to exceed these potential limits. If there is, this permit will be re-opened. If there is not, the permit will not be re-opened, but will contain weekly average limits for ammonia upon renewal.
3. The daily average dissolved oxygen effluent concentration shall not be less than 6.0 mg/L.
4. The pH shall not be less than 6.8 standard units nor greater than 8.5 standard units.
5. Monitoring requirement and limitation apply only if chlorine is added for disinfection.
6. See A.(3) and A.(4) for details on total nitrogen monitoring.
7. Compliance shall be based on a monthly average of weekly samples.
8. Chronic Toxicity (*Mysidopsis bahia*) P/F @ 5.0 % with testing in January, April, July and October (see A. (5)).

There shall be no discharge of floating solids or visible foaming other than trace amounts.

The annual mass loading is the sum of the monthly loadings:

$$(2) \quad \text{Annual Mass Loading (pounds/year)} = \Sigma (\text{Monthly Loadings}) \text{ for the calendar year}$$

The Permittee shall report the total nitrogen concentration for each sample and the monthly mass loading, in the appropriate monthly self-monitoring report; and the annual total nitrogen mass loading, in the self-monitoring report for December of each year.

#### A. (4) LIMITS FOR TOTAL ANNUAL NITROGEN

The total annual nitrogen limit is applied annually for compliance purposes. The total annual nitrogen load has been calculated using a total nitrogen concentration of 5.5 mg/L at 15.0 MGD. This annual load is subject to change should water quality in the vicinity of this discharge indicate that more stringent controls for nutrients are warranted. Compliance with this annual load is required by January 1, 2003.

#### A. (5) CHRONIC TOXICITY PERMIT LIMIT (Quarterly)

The effluent discharge shall at no time exhibit observable inhibition of growth or significant mortality to *Mysidopsis bahia* at an effluent concentration of 5%.

The permit holder shall perform at minimum **quarterly** monitoring using procedures described below to establish compliance with the permit condition. The tests will be performed during the months of **January, April, July and October**. Effluent sampling for this testing shall be performed at the NPDES permitted final effluent discharge below all treatment processes.

If the test procedure performed as the first test (either "pass/fail" or multiple-concentration) of any single quarter results in a failure or ChV below the permit limit, then multiple-concentration testing shall be performed at minimum in each of the two following months.

The chronic value for multiple concentration tests will be determined using the geometric mean of the highest concentration having no detectable impairment of growth or survival and the lowest concentration that does have a detectable impairment of growth or survival. The more sensitive of the growth and survival endpoints will be reported.

The test procedure will be based on EPA Method 1007.0, Mysid, *Mysidopsis bahia*, Survival, Growth, and Fecundity Test, as described in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, Second Edition*, EPA-600/4-91-003, July 1994. The procedure will be performed as written with the following exceptions:

- The test treatments will consist of a control and a 5% effluent concentration ("pass/fail") or a control and five effluent concentrations, one of which will be 5% and one of which will be 2.5%.
- The test will be performed at 20 ppt salinity.
- Mortality for pass/fail tests will be evaluated using the t test described on page 91 in *Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms, Fourth Edition*, EPA/600/4-90/027, September 1991, applying an alpha level of 0.05.
- The growth endpoint for pass/fail tests will be determined using Appendix G of *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, Second Edition*, EPA/600-4-91/003, July 1994, applying an alpha level of 0.01.
- Mortality and growth endpoints for multiple-concentration tests will be determined using hypothesis testing as described in EPA Method 1007.0, Mysid, *Mysidopsis bahia*, Survival, Growth, and Fecundity Test, as described in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, Second Edition*, EPA-600-4-91-003, July 1994.

(continued on next page)

# ATTACHMENT A

## PART I (continued)

### Section B. Schedule of Compliance

1. The permittee shall comply with Final Effluent Limitations specified for discharges in accordance with the following schedule:

**Permittee shall comply with Final Effluent Limitations by the effective date of the permit unless specified below.**

2. Permittee shall at all times provide the operation and maintenance necessary to operate the existing facilities at optimum efficiency.
3. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next schedule requirements.

## PART II

### STANDARD CONDITIONS FOR NPDES PERMITS

#### SECTION A. DEFINITIONS

1. Permit Issuing Authority: The Director of the Division of Water Quality.
2. DEM or "the Division" Means the Division of Water Quality, Department of Environment and Natural Resources.
3. EMC Used herein means the North Carolina Environmental Management Commission.
4. Act or "the Act" The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.
5. Mass/Day Measurements
  - a. The "monthly average discharge" is defined as the total mass of all daily discharges sampled and/or measured during a calendar month on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such month. It is therefore, an arithmetic mean found by adding the weights of the pollutant found each day of the month and then dividing this sum by the number of days the tests were reported. The limitation is identified as "Monthly Average" in Part I of the permit.
  - b. The "weekly average discharge" is defined as the total mass of all daily discharges sampled and/or measured during the calendar week (Sunday - Saturday) on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such week. It is, therefore, an arithmetic mean found by adding the weights of pollutants found each day of the week and then dividing this sum by the number of days the tests were reported. This limitation is identified as "Weekly Average" in Part I of the permit.
  - c. The "maximum daily discharge" is the total mass (weight) of a pollutant discharged during a calendar day. If only one sample is taken during any calendar day the weight of pollutant calculated from it is the "maximum daily discharge." This limitation is identified as "Daily Maximum," in Part I of the permit.
  - d. The "average annual discharge" is defined as the total mass of all daily discharges sampled and/or measured during the calendar year on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such year. It is, therefore, an arithmetic mean found by adding the weights of pollutants found each day of the year and then dividing this sum by the number of days the tests were reported. This limitation is defined as "Annual Average" in Part I of the permit.
6. Concentration Measurement
  - a. The "average monthly concentration," other than for fecal coliform bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a calendar month on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such month (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during that calendar day. The average monthly count for fecal coliform bacteria is the geometric mean of the counts for samples collected during a calendar month. This limitation is identified as "Monthly Average" under "Other Limits" in Part I of the permit.



6. b. The "average weekly concentration," other than for fecal coliform bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a calendar week (Sunday/Saturday) on which daily discharges are sampled and measured divided by the number of daily discharges sampled and/or measured during such week (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during that calendar day. The average weekly count for fecal coliform bacteria is the geometric mean of the counts for samples collected during a calendar week. This limitation is identified as "Weekly Average" under "Other Limits" in Part I of the permit.
- c. The "maximum daily concentration" is the concentration of a pollutant discharge during a calendar day. If only one sample is taken during any calendar day the concentration of pollutant calculated from it is the "Maximum Daily Concentration". It is identified as "Daily Maximum" under "Other Limits" in Part I of the permit.
- d. The "average annual concentration," other than for fecal coliform bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a calendar year on which daily discharges are sampled and measured divided by the number of daily discharges sampled and/or measured during such year (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during that calendar day. The average yearly count for fecal coliform bacteria is the geometric mean of the counts for samples collected during a calendar year. This limitation is identified as "Annual Average" under "Other Limits" in Part I of the permit.
- e. The "daily average concentration" (for dissolved oxygen) is the minimum allowable amount of dissolved oxygen required to be available in the effluent prior to discharge averaged over a calendar day. If only one dissolved oxygen sample is taken over a calendar day, the sample is considered to be the "daily average concentration" for the discharge. It is identified as "daily average" in the text of Part I.
- f. The "quarterly average concentration" is the average of all samples taken over a calendar quarter. It is identified as "Quarterly Average Limitation" in the text of Part I of the permit.
- g. A calendar quarter is defined as one of the following distinct periods: January through March, April through June, July through September, and October through December.

## 7. Other Measurements

- a. Flow, (MGD): The flow limit expressed in this permit is the 24 hours average flow, averaged monthly. It is determined as the arithmetic mean of the total daily flows recorded during the calendar month.
- b. An "instantaneous flow measurement" is a measure of flow taken at the time of sampling, when both the sample and flow will be representative of the total discharge.
- c. A "continuous flow measurement" is a measure of discharge flow from the facility which occurs continually without interruption throughout the operating hours of the facility. Flow shall be monitored continually except for the infrequent times when there may be no flow or for infrequent maintenance activities on the flow device.

## 8. Types of Samples

- a. Composite Sample: A composite sample shall consist of:
  - (1) a series of grab samples collected at equal time intervals over a 24 hour period of discharge and combined proportional to the rate of flow measured at the time of individual sample collection, or

8. a. (2) a series of grab samples of equal volume collected over a 24 hour period with the time intervals between samples determined by a preset number of gallons passing the sampling point. Flow measurement between sample intervals shall be determined by use of a flow recorder and totalizer, and the present gallon interval between sample collection fixed at no greater than 1/24 of the expected total daily flow at the treatment system, or
- (3) a single, continuous sample collected over a 24-hour period proportional to the rate of flow.

In accordance with (1) above, the time interval between influent grab samples shall be no greater than once per hour, and the time interval between effluent grab samples shall be no greater than once per hour except at wastewater treatment systems having a detention time of greater than 24 hours. In such cases, effluent grab samples may be collected at time intervals evenly spaced over the 24-hour period which are equal in number of hours to the detention time of the system in number of days. However, in no case may the time interval between effluent grab samples be greater than six (6) hours nor the number of samples less than four (4) during a 24-hour sampling period.

- b. **Grab Sample:** Grab samples are individual samples collected over a period of time not exceeding 15 minutes; the grab sample can be taken manually. Grab samples must be representative of the discharge or the receiving waters.

## 9. Calculation of Means

- a. **Arithmetic Mean:** The arithmetic mean of any set of values is the summation of the individual values divided by the number of individual values.
- b. **Geometric Mean:** The geometric mean of any set of values is the Nth root of the product of the individual values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered to be one (1).
- c. **Weighted by Flow Value:** Weighted by flow value means the summation of each concentration times its respective flow divided by the summation of the respective flows.

10. **Calendar Day:** A calendar day is defined as the period from midnight of one day until midnight of the next day. However, for purposes of this permit, any consecutive 24-hour period that reasonably represents the calendar day may be used for sampling.

11. **Hazardous Substance:** A hazardous substance means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

12. **Toxic Pollutant:** A toxic pollutant is any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.

## SECTION B. GENERAL CONDITIONS

### 1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

- a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

1. b. The Clean Water Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed \$25,000 per day for each violation. Any person who negligently violates any permit condition is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. Also, any person who violates a permit condition may be assessed an administrative penalty not to exceed \$10,000 per violation with the maximum amount not to exceed \$125,000. [Ref: Section 309 of the Federal Act 33 U.S.C. 1319 and 40 CFR 122.41 (a)]
  - c. Under state law, a civil penalty of not more than ten thousand dollars (\$10,000) per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit. [Ref: North Carolina General Statutes § 143-215.6A]
  - d. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.
2. Duty to Mitigate  
The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
  3. Civil and Criminal Liability  
Except as provided in permit conditions on "Bypassing" (Part II, C-4) and "Power Failures" (Part II, C-7), nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6 or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.
  4. Oil and Hazardous Substance Liability  
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under NCGS 143-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.
  5. Property Rights  
The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
  6. Onshore or Offshore Construction  
This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.
  7. Severability  
The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

8. Duty to Provide Information

The permittee shall furnish to the Permit Issuing Authority, within a reasonable time, any information which the Permit Issuing Authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Permit Issuing Authority upon request, copies of records required to be kept by this permit.

9. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

10. Expiration of Permit

The permittee is not authorized to discharge after the expiration date. In order to receive automatic authorization to discharge beyond the expiration date, the permittee shall submit such information, forms, and fees as are required by the agency authorized to issue permits no later than 180 days prior to the expiration date. Any permittee that has not requested renewal at least 180 days prior to expiration, or any permittee that does not have a permit after the expiration and has not requested renewal at least 180 days prior to expiration, will subject the permittee to enforcement procedures as provided in NCGS 143-215.6 and 33 USC 1251 et. seq.

11. Signatory Requirements

All applications, reports, or information submitted to the Permit Issuing Authority shall be signed and certified.

a. All permit applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (b) the manager of one or more manufacturing production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding 25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

b. All reports required by the permit and other information requested by the Permit Issuing Authority shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described above;
- (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, a position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
- (3) The written authorization is submitted to the Permit Issuing Authority.

c. Certification. Any person signing a document under paragraphs a. or b. of this section shall make the following certification:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

12. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

13. Permit Modification, Revocation and Reissuance, or Termination

The issuance of this permit does not prohibit the permit issuing authority from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et. al.

14. Previous Permits

All previous National Pollutant Discharge Elimination System Permits issued to this facility, whether for operation or discharge, are hereby revoked by issuance of this permit. [The exclusive authority to operate this facility arises under this permit. The authority to operate the facility under previously issued permits bearing this number is no longer effective. ] The conditions, requirements, terms, and provisions of this permit authorizing discharge under the National Pollutant Discharge Elimination System govern discharges from this facility.

**SECTION C. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

1. Certified Operator

Pursuant to Chapter 90A-44 of North Carolina General Statutes, and upon classification of the facility by the Certification Commission, the permittee shall employ a certified wastewater treatment plant operator in responsible charge (ORC) of the wastewater treatment facilities. Such operator must hold a certification of the grade equivalent to or greater than the classification assigned to the wastewater treatment facilities by the Certification Commission. The permittee must also employ a certified back-up operator of the appropriate type and any grade to comply with the conditions of Title 15A NCAC Chapter 8G .0200. The ORC of the facility must visit each Class I facility at least weekly and each Class II, III, and IV facility at least daily, excluding weekends and holidays, and must properly manage and document daily operation and maintenance of the facility and must comply with all other conditions of Title 15A, NCAC Chapter 8G .0200. Once the facility is classified, the permittee shall submit a letter to the Certification Commission which designates the operator in responsible charge within thirty days after the wastewater treatment facilities are 50% complete.

2. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this permit.

4. Bypassing of Treatment Facilities

a. Definitions

- (1) "Bypass" means the known diversion of waste streams from any portion of a treatment facility including the collection system, which is not a designed or established or operating mode for the facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

4. b. Bypass not exceeding limitations.

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs c. and d. of this section.

c. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; including an evaluation of the anticipated quality and affect of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II, E. 6. of this permit. (24 hour notice).

d. Prohibition of Bypass

(1) Bypass is prohibited and the Permit Issuing Authority may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under Paragraph c. of this section.

(2) The Permit Issuing Authority may approve an anticipated bypass, after considering its adverse affects, if the Permit Issuing Authority determines that it will meet the three conditions listed above in Paragraph d. (1) of this section.

5. Upsets

a. Definition: "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an upset: An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph c. of this condition are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset: A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permittee facility was at the time being properly operated; and

(3) The permittee submitted notice of the upset as required in Part II, E. 6. (b) (B) of this permit.

(4) The permittee complied with any remedial measures required under Part II, B. 2. of this permit.

d. Burden of proof: In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be utilized/disposed of in accordance with NCGS 143-215.1 and in a manner such as to prevent any pollutant from such materials from entering waters of the State or navigable waters of the United States. The permittee shall comply with all existing federal regulations governing the disposal of sewage sludge. Upon promulgation of 40 CFR Part 503, any permit issued by the Permit Issuing Authority for the utilization/disposal of sludge may be reopened and modified, or revoked and reissued, to incorporate applicable requirements at 40 CFR Part 503. The permittee shall comply with applicable 40 CFR Part 503 Standards for the Use and Disposal of Sewage Sludge (when promulgated) within the time provided in the regulation, even if the permit is not modified to incorporate the requirement. The permittee shall notify the Permit Issuing Authority of any significant change in its sludge use or disposal practices.

7. Power Failures

The permittee is responsible for maintaining adequate safeguards as required by DEM Regulation, Title 15A, North Carolina Administrative Code, Subchapter 2H, .0124 Reliability, to prevent the discharge of untreated or inadequately treated wastes during electrical power failures either by means of alternate power sources, standby generators or retention of inadequately treated effluent.

**SECTION D. MONITORING AND RECORDS**

1. Representative Sampling

Samples collected and measurements taken, as required herein, shall be characteristic of the volume and nature of the permitted discharge. Samples collected at a frequency less than daily shall be taken on a day and time that is characteristic of the discharge over the entire period which the sample represents. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Permit Issuing Authority.

2. Reporting

Monitoring results obtained during the previous month(s) shall be summarized for each month and reported on a monthly Discharge Monitoring Report (DMR) Form (DEM No. MR 1, 1.1, 2, 3) or alternative forms approved by the Director, DEM, postmarked no later than the 30th day following the completed reporting period.

The first DMR is due on the last day of the month following the issuance of the permit or in the case of a new facility, on the last day of the month following the commencement of discharge. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the following address:

NC DENR / Division of Water Quality / Water Quality Section  
**ATTENTION: Central Files**  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

3. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from the true discharge rates throughout the range of expected discharge volumes. Once-through condenser cooling water flow which is monitored by pump logs, or pump hour meters as specified in Part I of this permit and based on the manufacturer's pump curves shall not be subject to this requirement.

4. Test Procedures

Test procedures for the analysis of pollutants shall conform to the EMC regulations published pursuant to NCGS 143-215.63 et. seq, the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section 304(g), 33 USC 1314, of the Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136; or in the case of sludge use or disposal, approved under 40 CFR 136, unless otherwise specified in 40 CFR 503, unless other test procedures have been specified in this permit.

To meet the intent of the monitoring required by this permit, all test procedures must produce minimum detection and reporting levels that are below the permit discharge requirements and all data generated must be reported down to the minimum detection or lower reporting level of the procedure. If no approved methods are determined capable of achieving minimum detection and reporting levels below permit discharge requirements, then the most sensitive (method with the lowest possible detection and reporting level) approved method must be used.

5. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

6. Records Retention

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

7. Recording Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

8. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), upon the presentation of credentials and other documents as may be required by law, to;

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.



## **SECTION E REPORTING REQUIREMENTS**

### **1. Change in Discharge**

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

### **2. Planned Changes**

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29 (b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR Part 122.42 (a) (1).
- c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

### **3. Anticipated Noncompliance**

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

### **4. Transfers**

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

### **5. Monitoring Reports**

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- a. Monitoring results must be reported on a Discharge Monitoring Report (DMR) (See Part II, D. 2 of this permit) or forms provided by the Director for reporting results of monitoring of sludge use or disposal practices.
- b. If the permittee monitors any pollutant more frequently than required by the permit, using test procedures specified in Part II, D. 4. of this permit or in the case of sludge use or disposal, approved under 40 CFR 503, or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

### **6. Twenty-four Hour Reporting**

- a. The permittee shall report to the central office or the appropriate regional office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance, and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

6. b. The following shall be included as information which must be reported within 24 hours under this paragraph:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit.
  - (2) Any upset which exceeds any effluent limitation in the permit.
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours.
- c. The Director may waive the written report on a case-by-case basis for reports under paragraph b. above of this condition if the oral report has been received within 24 hours.
7. Other Noncompliance  
The permittee shall report all instances of noncompliance not reported under Part II. E. 5 and 6. of this permit at the time monitoring reports are submitted. The reports shall contain the information listed in Part II. E. 6. of this permit.
8. Other Information  
Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.
9. Noncompliance Notification  
The permittee shall report by telephone to either the central office or the appropriate regional office of the Division as soon as possible, but in no case more than 24 hours or on the next working day following the occurrence or first knowledge of the occurrence of any of the following:
- a. Any occurrence at the water pollution control facility which results in the discharge of significant amounts of wastes which are abnormal in quantity or characteristic, such as the dumping of the contents of a sludge digester; the known passage of a slug of hazardous substance through the facility; or any other unusual circumstances.
  - b. Any process unit failure, due to known or unknown reasons, that render the facility incapable of adequate wastewater treatment such as mechanical or electrical failures of pumps, aerators, compressors, etc.
  - c. Any failure of a pumping station, sewer line, or treatment facility resulting in a by-pass directly to receiving waters without treatment of all or any portion of the influent to such station or facility.
- Persons reporting such occurrences by telephone shall also file a written report in letter form within 5 days following first knowledge of the occurrence.
10. Availability of Reports  
Except for data determined to be confidential under NCGS 143-215.3 (a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms shall be available for public inspection at the offices of the Division of Water Quality. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.1 (b)(2) or in Section 309 of the Federal Act.
11. Penalties for Falsification of Reports  
The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.

### PART III OTHER REQUIREMENTS

#### A. Construction

No construction of wastewater treatment facilities or additions to add to the plant's treatment capacity or to change the type of process utilized at the treatment plant shall be begun until Final Plans and Specifications have been submitted to the Division of Water Quality and written approval and Authorization to Construct has been issued.

#### B. Groundwater Monitoring

The permittee shall, upon written notice from the Director of the Division of Water Quality, conduct groundwater monitoring as may be required to determine the compliance of this NPDES permitted facility with the current groundwater standards.

#### C. Changes in Discharges of Toxic Substances

The permittee shall notify the Permit Issuing Authority as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels";
  - (1) One hundred micrograms per liter (100 µg/L);
  - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application.
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels";
  - (1) Five hundred micrograms per liter (500 µg/L);
  - (2) One milligram per liter (1 mg/L) for antimony;
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application.

#### D. Requirement to Continually Evaluate Alternatives to Wastewater Discharges

The permittee shall continually evaluate all wastewater disposal alternatives and pursue the most environmentally sound alternative of the reasonably cost effective alternatives. If the facility is in substantial non-compliance with the terms and conditions of the NPDES permit or governing rules, regulations or laws, the permittee shall submit a report in such form and detail as required by the Division evaluating these alternatives and a plan of action within sixty (60) days of notification by the Division.

### PART IV ANNUAL ADMINISTERING AND COMPLIANCE MONITORING FEE REQUIREMENTS

- A. The permittee must pay the annual administering and compliance monitoring fee within 30 (thirty) days after being billed by the Division. Failure to pay the fee in a timely manner in accordance with 15A NCAC 2H .0105(b)(4) may cause this Division to initiate action to revoke the permit.

PART III  
OTHER REQUIREMENTS

A. Requirements for Control of Pollutants Attributable to Industrial Users

1. Effluent limitations are listed in Part I of this permit. Other pollutants attributable to inputs from industries using the municipal system may be present in the permittee's discharge. At such time as sufficient information becomes available to establish limitations for such pollutants, this permit may be revised to specify effluent limitations for any or all of such other pollutants in accordance with best practicable technology or water quality standards.
2. Under no circumstances shall the permittee allow introduction of the following wastes in the waste treatment system:
  - a. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 Degrees Fahrenheit or 60 degrees centigrade using the test methods specified in ATSM standards D-93-79, D-93-80, or D-3278 (incorporated by reference, see 40 CFR 260.11). This prohibition does not apply to any aqueous solution containing less than 24 percent alcohol by volume which would otherwise be a hazardous waste under 40 CFR 261.21 by virtue of having a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees centigrade;
  - b. Wastes which will cause corrosive structural damage to treatment works, and in no case discharges with pH less than 5.0 standard units unless the system is specifically designed to accommodate such discharges;
  - c. Solid or viscous substances in amounts which cause obstructions to the flow in sewers or interference with the proper operation of the treatment works;
  - d. Wastewaters at a flow rate and/or pollutant concentration which will cause an inhibition or disruption of the POTW, its treatment processes, operation, or sludge use and disposal;
  - e. Heat in amounts which will inhibit biological activity in the treatment works, resulting in interference but in no case heat in such quantities that the temperature at the treatment works influent exceeds 40°C (104°F) unless the works are designed to accommodate such heat;
  - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
  - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in quantity that may cause acute worker health and safety problems;
  - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
3. With regard to the effluent requirements listed in Part I of this permit, it may be necessary for the permittee to supplement the requirements of the Federal Pretreatment Standards (40 CFR, Part 403) to ensure compliance by the permittee with all applicable effluent limitations. Such actions by the permittee may be necessary regarding some or all of the industries discharging to the municipal system.
4. The permittee shall require any industrial discharges into the permitted system to meet Federal Pretreatment Standards promulgated in response to Section 307(b) of the Act. Prior to accepting wastewater from any significant industrial user, the permittee shall either develop and submit to the Division a Pretreatment Program for approval per 15 NCAC 2H .0907(a) or modify an existing Pretreatment Program per 15 NCAC 2H .0907(b).
5. This permit shall be modified, or alternatively, revoked and reissued, to incorporate or modify an approved POTW Pretreatment Program or to include a compliance schedule for the development of a POTW Pretreatment Program as required under Section 402(b)(8) of the Clean Water Act and implementing regulations or by the requirements of the approved State pretreatment program, as appropriate.

## PART III OTHER REQUIREMENTS

### B. Construction

No construction of wastewater treatment facilities or additions to add to the plant's treatment capacity (or to change the type of process utilized at the treatment plant) shall begin until Final Plans and Specifications have been submitted to the Division of Water Quality and written approval and an Authorization to Construct has been issued.

### C. Groundwater Monitoring

The permittee shall, upon written notice from the Director of the Division of Water Quality, conduct groundwater monitoring as may be required to determine the compliance of this NPDES permitted facility with the current groundwater standards.

### D. Publicly Owned Treatment Works

All POTWs must provide adequate notice to the Director of the following:

1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
3. For purposes of this paragraph, adequate notice shall include information on (1) the quality and quantity of effluent introduced into the POTW, and (2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

### E. Requirement to Continually Evaluate Alternatives to Wastewater Discharges

The permittee shall continually evaluate all wastewater disposal alternatives and pursue the most environmentally sound alternative of the reasonably cost effective alternatives. If the facility is in substantial non-compliance with the terms and conditions of the NPDES permit or governing rules, regulations or laws, the permittee shall submit a report in such form and detail as required by the Division evaluating these alternatives and a plan of action within sixty (60) days of notification by the Division.

PART III  
OTHER REQUIREMENTSA. Requirements for Control of Pollutants Attribute to Industrial Users.

1. Effluent limitations are listed in Part I of this permit. Other pollutants attributable to inputs from industries using the municipal system may be present in the permittee's discharge. At such time as sufficient information becomes available to establish limitations for such pollutants, this permit may be revised to specify effluent limitations for any or all of such other pollutants in accordance with best practicable technology or water quality standards.
2. Under no circumstances shall the permittee allow introduction of the following wastes in the waste treatment system:
  - a. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
  - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;
  - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;
  - d. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
  - e. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Division, upon request of the POTW, approves alternate temperature limits;
  - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
  - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
3. With regard to the effluent requirements listed in Part I of this permit, it may be necessary for the permittee to supplement the requirements of the Federal Pretreatment Standards (40 CFR, Part 403) to ensure compliance by the permittee with all applicable effluent limitations. Such actions by the permittee may be necessary regarding some or all of the industries discharging to the municipal system.
4. The permittee shall require any industrial discharges into the permitted system to meet Federal Pretreatment Standards promulgated in response to Section 307(b) of the Act. Prior to accepting wastewater from any significant industrial user, the permittee shall either develop and submit to the Division a Pretreatment Program for approval per 15A NCAC 2H .0907(a) or modify an existing Pretreatment Program per 15A NCAC 2H .0907(b).
5. This permit shall be modified, or alternatively, revoked and reissued, to incorporate or modify an approved POTW Pretreatment Program or to include a compliance schedule for the development of a POTW Pretreatment Program as required under Section 402(b)(8) of the Clean Water Act and implementing regulations or by the requirements of the approved State pretreatment program, as appropriate.

B. Pretreatment Program Requirements

Under authority of sections 307(b) and (c) and 402(b)(8) of the Clean Water Act and implementing regulations 40 CFR Part 403, North Carolina General Statute 143-215.3 (14) and implementing regulations 15A NCAC 2H .0900, and in accordance with the approved pretreatment program, all provisions and regulations contained and referenced in the Pretreatment Program Submittal are an enforceable part of this permit.

## PART III OTHER REQUIREMENTS

The permittee shall operate its approved pretreatment program in accordance with Section 402(b)(8) of the Clean Water Act, the Federal Pretreatment Regulations 40 CFR Part 403, the State Pretreatment Regulations 15A NCAC 2H .0900, and the legal authorities, policies, procedures, and financial provisions contained in its pretreatment program submission and Division approved modifications thereof. Such operation shall include but is not limited to the implementation of the following conditions and requirements:

1. Sewer Use Ordinance (SUO)

The permittee shall maintain adequate legal authority to implement its approved pretreatment program.

2. Industrial Waste Survey (IWS)

The permittee shall update its Industrial Waste Survey (IWS) of all users of the sewer collection system at least once every five years.

3. Monitoring Plan

The permittee shall implement a Division approved Monitoring Plan for the collection of facility specific data to be used in a wastewater treatment plant Headworks Analysis (HWA) for the development of specific pretreatment local limits.

4. Headworks Analysis (HWA) and Local Limits

The permittee shall obtain Division approval of a Headworks Analysis (HWA) at least once every five years, and as required by the Division. The permittee shall develop, in accordance with 40 CFR 403.5(c) and 15A NCAC 2H .0909, specific Local Limits to implement the prohibitions listed in 40 CFR 403.5(a) and (b) and 15A NCAC 2H .0909.

5. Industrial User Pretreatment Permits (IUP) & Allocation Tables

In accordance with NCGS 143-215.1, the permittee shall issue to all significant industrial users, permits for operation of pretreatment equipment and discharge to the permittee's treatment works. These permits shall contain limitations, sampling protocols, reporting requirements, appropriate standard and special conditions, and compliance schedules as necessary for the installation of treatment and control technologies to assure that their wastewater discharge will meet all applicable pretreatment standards and requirements. The permittee shall maintain a current Allocation Table (AT) which summarizes the results of the Headworks Analysis (HWA) and the limits from all Industrial User Pretreatment Permits (IUP). Permitted IUP loadings for each parameter cannot exceed the treatment capacity of the POTW as determined by the HWA.

6. Authorization to Construct (A to C)

The permittee shall ensure that an Authorization to Construct (A to C) is issued to all applicable industrial users for the construction or modification of any pretreatment facility. Prior to the issuance of an Authorization to Construct (A to C), the proposed pretreatment facility and treatment process must be evaluated for its capacity to comply with all Industrial User Pretreatment Permit (IUP) limitations.

7. POTW Inspection & Monitoring of their SIUs

The permittee shall conduct inspection, surveillance, and monitoring activities as described in its Division approved pretreatment program in order to determine, independent of information supplied by industrial users, compliance with applicable pretreatment standards. The permittee must:

7a. Inspect all Significant Industrial Users (SIUs) at least once per calendar year; and

7b. Sample all Significant Industrial Users (SIUs) at least twice per calendar year for all permit-limited pollutants, once during the period from January 1 through June 30 and once during the period from July 1 through December 31, except for organic compounds which shall be sampled once per calendar year;

### PART III OTHER REQUIREMENTS

8. SIU Self Monitoring and Reporting

The permittee shall require all industrial users to comply with the applicable monitoring and reporting requirements outlined in the Division approved pretreatment program, the industry's pretreatment permit, or in 15A NCAC 2H .0908.

9. Enforcement Response Plan (ERP)

The permittee shall enforce and obtain appropriate remedies for violations of all pretreatment standards promulgated pursuant to section 307(b) and (c) of the Clean Water Act (40 CFR 405 et seq.), prohibitive discharge standards as set forth in 40 CFR 403.5 and 15A NCAC 2H .0909, and specific local limitations. All enforcement actions shall be consistent with the Enforcement Response Plan (ERP) approved by the Division.

10. Pretreatment Annual Reports (PAR)

The permittee shall report to the Division in accordance with 15A NCAC 2H .0908. In lieu of submitting annual reports, Modified Pretreatment Programs developed under 15A NCAC 2H .0904 (b) may be required to meet with Division personnel periodically to discuss enforcement of pretreatment requirements and other pretreatment implementation issues.

For all other active pretreatment programs, the permittee shall submit two copies of a Pretreatment Annual Report (PAR) describing its pretreatment activities over the previous twelve months to the Division at the following address:

NC DENR / DWQ / Pretreatment Unit  
1617 Mail Service Center  
RALEIGH, NC 27699-1617

These reports shall be submitted according to a schedule established by the Director and shall contain the following:

- a.) Narrative  
A brief discussion of reasons for, status of, and actions taken for all Significant Industrial Users (SIU's) in Significant Non-Compliance (SNC);
- b.) Pretreatment Program Summary (PPS)  
A pretreatment program summary (PPS) on specific forms approved by the Division;
- c.) Significant Non-Compliance Report (SNCR)  
The nature of the violations and the actions taken or proposed to correct the violations on specific forms approved by the Division;
- d.) Industrial Data Summary Forms (IDSF)  
Monitoring data from samples collected by both the POTW and the Significant Industrial User (SIU). These analytical results must be reported on Industrial Data Summary Forms (IDSF) or other specific format approved by the Division;
- e.) Other Information  
Copies of the POTW's allocation table, new or modified enforcement compliance schedules, public notice of SIU's in SNC, and any other information, upon request, which in the opinion of the Director is needed to determine compliance with the pretreatment implementation requirements of this permit;

11. Public Notice

The permittee shall publish annually a list of Significant Industrial Users (SIUs) that were in Significant Non-Compliance (SNC) as defined in the permittee's Division approved Sewer Use Ordinance with applicable pretreatment requirements and standards during the previous twelve month period. This list shall be published within four months of the applicable twelve-month period.

12. Record Keeping

The permittee shall retain for a minimum of three years records of monitoring activities and results, along with support information including general records, water quality records, and records of industrial impact on the POTW.



## PART III OTHER REQUIREMENTS

### 13. Funding and Financial Report

The permittee shall maintain adequate funding and staffing levels to accomplish the objectives of its approved pretreatment program.

### 14. Modification to Pretreatment Programs

Modifications to the approved pretreatment program including but not limited to local limits modifications, POTW monitoring of their Significant Industrial Users (SIUs), and Monitoring Plan modifications, shall be considered a permit modification and shall be governed by 15 NCAC 2H .0114 and 15A NCAC 2H .0907.

## C. Construction

No construction of wastewater treatment facilities or additions to add to the plant's treatment capacity or to change the type of process utilized at the treatment plant shall be begun until Final Plans and Specifications have been submitted to the Division of Water Quality and written approval and Authorization to Construct has been issued.

## D. Groundwater Monitoring

The permittee shall, upon written notice from the Director of the Division of Water Quality, conduct groundwater monitoring as may be required to determine the compliance of this NPDES permitted facility with the current groundwater standards.

## E. Publicly Owned Treatment Works

All POTWs must provide adequate notice to the Director of the following:

1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
3. For purposes of this paragraph, adequate notice shall include information on (1) the quality and quantity of effluent introduced into the POTW, and (2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

## F. Requirement to Continually Evaluate Alternatives to Wastewater Discharges

The permittee shall continually evaluate all wastewater disposal alternatives and pursue the most environmentally sound alternative of the reasonably cost effective alternatives. If the facility is in substantial non-compliance with the terms and conditions of the NPDES permit or governing rules, regulations or laws, the permittee shall submit a report in such form and detail as required by the Division evaluating these alternatives and a plan of action within sixty (60) days of notification by the Division.

**DENR/DWQ**  
**FACT SHEET BOILERPLATE FOR NPDES PERMIT DEVELOPMENT**  
**ALL NPDES PERMITS**

**THE ADMINISTRATIVE RECORD**

The administrative record, including application, draft permit, fact sheet, public notice, comments received, and additional information, is available by writing the Division of Water Quality, Water Quality Section, 1617 Mail Service Center, Raleigh, North Carolina 27699-1617. The above documents are available for review and copying at the Archdale Building, 9<sup>th</sup> Floor, Water Quality Section, NPDES Unit, 512 North Salisbury Street, Raleigh, North Carolina 27611 between the hours of 8:00 AM and 5:00 PM, Monday through Friday. Copies will be provided at a charge of ten cents per page.

**PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS**

**Comment Period**

The Division of Water Quality proposes to issue an NPDES Permit to the applicant subject to the effluent limitations and special conditions outlined above. These determinations are tentative and are open to comment from the public.

Interested persons are invited to submit written comments on the permit application or on the Division of Water Quality's proposed determinations to the following address:

**DIVISION OF WATER QUALITY**  
**WATER QUALITY SECTION**  
**1617 MAIL SERVICE CENTER**  
**RALEIGH, NORTH CAROLINA 27699-1617**

All comments received within thirty days following the date of public notice will be considered in the formulation of final determinations with regard to this application.

**Public Hearing**

The Director of the Division of Water Quality may hold a public hearing if there is a significant degree of public interest in a proposed permit or group of permits. Public notice of such a hearing will be circulated in newspapers in the geographical area of the discharge and to those on the Division of Water Quality's mailing list at least thirty days prior to the hearing.

**Appeal Hearings**

An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, shall have the right to a hearing before the Commission upon making written demand to the Director within thirty days following issuance or denial of the permit.

**Issuance of the Permit when No Hearing is Held**

If no public hearing or appeal hearing is held, and after review of the comments received, the Division of Water Quality's determinations are substantially unchanged, the permit will be issued and become effective immediately. This will be the final action of the Division of Water Quality.

If a hearing is not held, but there have been substantial changes, public notice of the Division of Water Quality's revised determinations will be made. Following a thirty-day comment period, the permit will be issued and will become effective immediately. This will be the final action of the Division of Water Quality unless a public or appeal hearing is granted.